

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICHARD ROY SCOTT,

Plaintiff,

v.

MARY BROWN; and "6 TO BE  
NAMED DEFENDANTS,"

Defendants.

No. MC05-5029

ORDER PERMITTING CASE TO PROCEED

This matter comes before the Court *sua sponte*. On April 5, 2005, the United States District Court judges who sit in Tacoma entered an order dismissing a number of plaintiff's causes of action and barring future litigation unless plaintiff provides a signed affidavit, along with the proposed complaint, "verifying under penalty of perjury that none of the issues raised in the proposed complaint have been litigated in the past by the plaintiff." On September 11, 2006, the Clerk of Court received a motion to proceed *in forma pauperis*, a consent for payment of costs, a complaint, and a declaration signed by plaintiff. See Dkt. #92. These are now before the undersigned for review pursuant to the terms of the bar order.

Although no relief is requested in the proposed complaint, plaintiff asserts a § 1983 claim against defendant Mary Brown, a staff member at the Department of Social and Health Services ("DSHS") Special Commitment Center where plaintiff resides, and "6 to be named defendants." See Dkt. #92 at 1, 2. Plaintiff claims Ms. Brown restricted plaintiff's telephone usage thereby

ORDER

1 denying him effective, meaningful, and timely court access. Id. at 2-3, 6.

2 Pursuant to the terms of the “Order Adopting Report and Recommendation,” dated April  
3 5, 2005, plaintiff has submitted a signed declaration verifying that none of the issues raised in  
4 the proposed complaint have been litigated in the past by the plaintiff. See Dkt. #92  
5 (Declaration of Scott).

6 The undersigned finds that the issues raised in the above-captioned matter have not been  
7 previously litigated by plaintiff and may proceed subject to the other requirements imposed by  
8 the “Order Adopting Report and Recommendation,” dated April 5, 2005. The Clerk of Court  
9 shall docket this order in MC05-5029 and open a new cause of action containing all documents  
10 related to plaintiff’s September 11, 2006, submission (Dkt. #92).

11 DATED this 23rd day of October, 2006.

12  
13  
14 

15 Robert S. Lasnik  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26